

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

TEDDY MORRIS

PLAINTIFF

v.

NO. 3:05CV00210 JWC

JO ANNE B. BARNHART,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Plaintiff has filed a motion to dismiss this case without prejudice, explaining that the Appeals Council vacated its decision upon which this case was based, and issued a new decision, which Plaintiff has appealed in Morris v. Barnhart, 3:05CV00230 JWC.

Defendant has not objected to the granting of Plaintiff's motion. There appears no other reason that Plaintiff's motion should not be granted.

Often, under circumstances such as are presented here, plaintiffs merely ask that the two cases be consolidated. The better practice is to dismiss the older case without prejudice, as Plaintiff has requested.

WHEREFORE, premises considered, Plaintiff's motion to dismiss without prejudice (docket entry #7) is hereby granted.

IT IS SO ORDERED this 9th day of December, 2005.


UNITED STATES MAGISTRATE JUDGE